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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/643,690      | 08/19/2003  | Yoshiyuki Kurokawa   | 0553-0323.01        | 5081             |

7590

04/14/2006

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| EXAMINER |
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WILSON, ALLAN R

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| ART UNIT | PAPER NUMBER |
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2815

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/643,690

Applicant(s)

KUROKAWA ET AL.

Examiner

Allan R. Wilson

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,7,10-13,16-19,21,24-27,43,44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,6,13,16-19,21,24-27,43,44 and 46-50 is/are allowed.
- 6) ☒ Claim(s) 7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings were received on February 27, 2006. These drawings are acceptable.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 10-12 are rejected under 35 USC § 103 (a) as being unpatentable over U.S. Patent No. 5,215,934 to Tzeng in view of U.S. Patent No. 5,656,845 to Akbar and U.S. Patent No. 6,514,842 to Prall et al. (hereafter "Prall").

Tzeng teaches, with reference to figures 5 and 6, a memory transistor comprising:  
an active layer 20, comprising a source 36, drain 37 and channel forming region  
(inherently formed between 36 and 37);

a first region 25a and a second region 25b formed in the channel forming region;

a first insulating film 30/31 formed on the active layer;

a floating gate 33 formed on the first insulating film;

a second insulating film (not shown, col. 6, lines 23-28); and

a control gate 35 formed on the second insulating film;

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wherein a concentration of impurity elements in the first region is larger than a concentration of impurity elements in the second region (see the limitations of Tzeng, claim 26, citing that the threshold voltages differ between channel portions, and see col. 7, lines 2-6 teaching that the threshold difference is achieved by ion implantation).

Tzeng does not show an insulating surface with the active layer over the insulating surface. Akbar illustrates in figure 1 an insulating surface 25 with the active layer 33 over the insulating surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an insulating surface to help with problems of punchthrough and latchup (Akbar at least col. 1, lines 51-56).

Tzeng and Akbar do not show a control gate comprising metal. Prall discloses in at least the abstract a metal control gate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a metal control gate to reduce gate resistance.

Regarding claim 10, this claim cites functional limitations which may be achieved by the structure of Tzeng; as taught by applicant, the function of storing multi-value information is achieved by applying different programming voltages, not by a difference in structure over that taught by Tzeng. Regarding claim 11, Tzeng teaches that the substrate 20 is single crystal silicon (col. 5, lines 39-41). Regarding claim 12, this claim merely cites intended uses of the structure anticipated by Tzeng and does not distinguish over Tzeng.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Allowable Subject Matter***

Claims 1, 4, 6, 13, 16-19, 21, 24-27, 43, 44, 46 and 47-50 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 7 and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is (571) 272-1738. Examiner Wilson can normally be reached 6:00-4:30 Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allan R. Wilson  
Primary Examiner  
10 April 2006



DRAWING  
APPROVED.  
QW 4/10/06

Replacement  
Sheet

